

partment of the Board of Water Engineers; and in any application or petition respecting the organization or operation of any district, or for the exercise of any function devolved by statute upon the office of the State Reclamation Engineer, the term "State Reclamation Engineer" as it may appear in the statute shall be construed to mean the State Board of Water Engineers.

Sec. 4. All unexpended balances of any appropriation made for the biennium ending August 31, 1927, for the support and administration of the duties devolved by law upon the office of the State Reclamation Engineer shall be, and are hereby transferred to the credit of the Department of the State Board of Water Engineers for the discharge of the duties devolved by the provisions of this Act.

Sec. 5. It shall be the duty of the State Board of Water Engineers in the administration of the provisions of the laws hereby transferred to and devolved upon that Department to assign and place the supervision of the work of such levee and drainage district acts under the immediate direction of an engineer, or member of the Board of Water Engineers, who shall be a skilled topographer and hydrographer, draftsman and reclamation engineer of not less than five (5) years' actual experience in supervising topographic surveying and mapping and in a knowledge of reclamation and estimates.

Sec. 6. The fact that this Act for the consolidation of the office of State Reclamation Engineer with the office of the State Board of Water Engineers will represent a more constructive public policy on the part of the State in the efficient administration of these duties, and is calculated to represent an economy to the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 100, A bill to be entitled "An Act to create Lamar-Delta County Levee Improvement District Number Two, in the counties of Lamar and Delta, State of Texas; validating and approving all orders made by the commissioners' courts of said counties and of the Board of Supervisors of said district in respect to the organization and establishment thereof; validating, approving and ratifying all proceedings had by the commissioners' courts relative to the appointment of the Commissioners of Appraisalment of said district; validating, ratifying and approving all proceedings had by the Commissioners of Appraisalment of said district in respect of assessments of benefits and damages to lands to be affected by the carrying out of the Plan of Reclamation approved by the State Reclamation Engineer; validating the authorization, issuance and sale of certain improvement bonds of said district, and providing for their payment by the annual levy, assessment and collection of taxes on all taxable property in said Levee District; approving and validating all orders, resolutions or decrees of the commissioners' courts of said counties, the Board of Supervisors of said Levee District, and the Commissioners of Appraisalment of said Levee District, in respect of the said district, its bonds and taxes, or certified copies thereof, and constituting such orders, resolutions and decrees legal evidence; evidencing proof of publication of constitutional notice; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

FIFTEENTH DAY.

Senate Chamber,

Austin, Texas,

May 31, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Hall:

S. B. No. 101, A bill to be entitled "An Act to amend Articles 8229, 8236, and 8238 in Chapter 9, Title 128, 1925 Revised Civil Statutes of the State of Texas, so as to authorize navigation districts containing municipalities of one hundred thousand population or more to issue its obligations to the extent of not exceeding \$250,000.00, and maturing within and not exceeding a period of ten years from date thereof, for the purpose either of acquiring necessary or proper lands, right of ways or dumping grounds, extension or improvement of belt railway lines, or construction or improvements of wharves, docks or other facilities or aids to navigation, and to secure such obligations by liens upon the property so acquired, constructed or improved, and pledge available revenue as additional security; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Floyd:

S. B. No. 102, A bill to be entitled "An Act to amend Article 1645 of

the Revised Civil Statutes of Texas by providing for a minimum salary to be paid county auditors in counties with a population not less than 35,000, nor more than 37,500, inhabitants; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 103, A bill to be entitled "An Act to promote the public welfare and protect the public health by enacting provisions of law designed to prevent the dumping or placing of trash, refuse, debris, garbage or the carcass or part of carcass of any dead animal within three hundred feet of any public road or highway in this State; prescribing penalties for violation of this Act; and enacting all things necessary and incidental to accomplish the purpose of this Act; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Pollard:

S. B. No. 104, A bill to be entitled "An Act authorizing the creation of Junior College Districts for the purpose of establishing, maintaining, operating and supporting junior colleges; providing the conditions upon which and the method by which such districts may be created, etc., and declaring an emergency."

By Senators Wirtz and Russek:

S. B. No. 105, A bill to be entitled "An Act creating the State Labor and Industrial Commission of Texas to take over and be vested with the powers, duties, privileges, rights, and functions of the Industrial Accident Board of the and the Industrial Commission of Texas and thus consolidating said Departments into one commission, etc., and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Hall:

S. B. No. 106, A bill to be entitled "An Act to amend Articles 6162, 6163, 6164 and 6165 of Title 107, Revised Texas Civil Statutes of 1925, defining and regulating loan brokers, etc., and declaring an emergency."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Price:

S. B. No. 107, A bill to be entitled "An Act to amend Articles 340, 341, 345, 348, and 349 of Chapter 1, title 7, of the Code of Criminal Procedure of 1925, and Articles 592, 595, and 597 of Chapter 2, Title 7, of the Code of Criminal Procedure, and to substitute the jury wheel as the manner and method of selecting jurors to serve on criminal cases on regular venires for the week, etc."

Read first time and referred to the Committee on Criminal Jurisprudence.

By Senator Love:

S. B. No. 108, A bill to be entitled "An Act amending Chapter 217 of the General Laws of the Regular Session of the 40th Legislature, etc., so as to fix the compensation of grand jury bailiffs, etc., and declaring an emergency."

Read first time and referred to the Committee on State Affairs.

By Senator Fairchild:

S. B. No. 109, A bill to be entitled "An Act to amend Article 1035 of the Code of Criminal Procedure of the State of Texas for 1925, so as to provide that the Comptroller shall examine each claim or cost bill, giving the Comptroller authority to make an investigation as to the correctness of the same before drawing a warrant, providing that a warrant shall be drawn for only such items that are found to be correct, providing that the action of the district judge in approving cost bills shall not be final, but said bills shall be subject to an audit by the Comptroller, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Simple Resolution No. 26.

Senator Fairchild sent up the following resolution:

By Senator Fairchild:

Whereas, There is a tribe of Indians known as the Alabama Indians located in Polk and Tyler Counties, Texas, and have been for many years, and

Whereas, The Federal Government in a small way is doing some things for these Indians in the way of erecting a primary school building and possibly another building for their use, and

Whereas, These Indians are located in this section and seem to be adapted to this section of the State, and

Whereas, Their reservation seems to be small and not adequate for the proper maintenance and support of them, and

Whereas, They were the original people of this Nation and State, and

Whereas, They have been driven from place to place by the coming of the white man, and

Whereas, From a humane standpoint it seems that the people of Texas should take some interest in the welfare of this tribe,

Therefore, be it Resolved by the Senate of Texas that the Lieutenant Governor appoint a committee of three Senators and three citizens of Texas to make an investigation of the present condition and surroundings of these Indians, and report back to the next session of the Texas Legislature their findings. This committee to be an honorary committee and no expenses shall be incurred. The only purpose of this resolution being to protect this tribe of Indians and it is made in the hope that this class of Texas citizens may be benefited.

The resolution was read and adopted.

Senate Bill No. 15.

The Chair laid before the Senate on third reading, the following bill:

S. B. No. 15, A bill to be entitled "An Act making an appropriation for the survey of the Davis Mountains State Park Highway in the Davis Mountains of Texas, to be a part of the system of State Highways and providing that State convicts may be utilized in the construction of said highway and declaring an emergency."

The bill was finally passed by the following vote:

Yeas—17.

Bailey.
Berkeley.
Bledsoe.
Lewis.

Fairchild.
Greer.
Hall.
Love.

Moore.	Stuart.
Price.	Triplett.
Russek.	Ward.
Smith.	Westbrook.

Nays—6.

Bowers.	Holbrook.
Floyd.	McFarlane.
Hardin.	Parr.

Absent.

Miller.	Wirtz.
Neal.	Witt.
Pollard.	Wood.
Real.	Woodward.
Reid.	

Senate Bill No. 79.

Senator Bailey received unanimous consent to take up out of its order the following bill:

S. B. No. 79, A bill to be entitled "An Act to create Road District No. 1 in San Patricio County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district validating the authorization, issuance, and sale of certain road bonds thereof, etc., and declaring an emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 80.

Senator Bailey received unanimous consent to take up out of its order the following bill:

S. B. No. 80, A bill to be entitled "An Act to create Road District No. 2 in San Patricio County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization of said district; validating the authorization, issuance and sale of certain road bonds thereof, etc., and declaring an emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 81.

Senator Bailey received unanimous consent to take up the following bill:

S. B. No. 81, A bill to be entitled "An Act to create Road District No. 4 in San Patricio County, Texas, validating and approving all orders made by the commissioners' court in said county, in respect to the organiza-

tion of said district; validating the issuance, authorization and sale of certain road bonds thereof, etc., and declaring an emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 82.

Senator Bailey received unanimous consent to take up the following bill:

S. B. No. 82, A bill to be entitled "An Act to create Road District No. 5 in San Patricio County, Texas, validating and approving all orders made by the commissioners' court of said county, in respect to the organization, issuance and sale of certain road bonds thereof, etc., and declaring an emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 46.

Senator Berkeley received unanimous consent to take up out of its order the following bill:

S. B. No. 46, A bill to be entitled "An Act to provide for an adequate system of vital statistics, and for the registration of all births and deaths in this State, and for the compiling and preservation of records for such purposes, etc., and declaring an emergency."

The bill was read second time and ordered engrossed.

Senate Bill No. 47.

Senator Berkeley received unanimous consent to take up out of its order the following bill:

S. B. No. 47, A bill to be entitled "An Act to better protect and promote the health of the people of Texas; establishing the Department of Health, to consist of a State Board of Health, appointed by the Governor, a State Health Officer, appointed by the State Board of Health; fixing the term of office, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 47 was put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Russek.
Greer.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Woodward.

Absent.

Hall	Wirtz.
Hardin.	Witt.
Miller.	Wood.
Reid.	

The bill was read third time and passed finally.

Senate Bill No. 100.

Senator Floyd received unanimous consent to take up out of its order the following bill:

S. B. No. 100, A bill to be entitled "An Act to create Lamar-Delta County Levee Improvement District No. Two, in the counties of Lamar and Delta, State of Texas; validating and approving all orders made by the commissioners' court of said counties and of the board of supervisors of said district in respect to the organization and establishment thereof; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 100 was put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Russek.
Greer.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Woodward.

Absent.

Hall	Wirtz.
Miller.	Witt.
Real.	Wood.
Reid.	

The bill was read third time and passed finally, by the following vote:

Yeas—22.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Russek.
Floyd.	Stuart.
Greer.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Woodward.
Moore.	

Absent.

Hall.	Reid.
Hardin.	Wirtz.
Holbrook.	Witt.
Miller.	Wood.
Real.	

Senate Bill No. 85.

Senator Bledsoe received the unanimous consent to take up out of its order the following bill:

S. B. No. 85, A bill to be entitled "An Act changing and fixing the terms and times of holding district court in the Seventy-second and the Ninety-ninth Judicial Districts; enacting proper provisions relating to process issued, bonds and recognizances made and grand and petit juries drawn before this Act takes effect in said judicial districts; enacting provisions relating to the jurisdiction of the district courts in said districts in Lubbock County providing for the transfer of cases in said county as between the district courts of said judicial districts; providing for all things necessary to be done in connection with any such cases so transferred, and enacting provisions relating to process and writs in any such transferred cases; providing all things necessary and incidental to the main subject and purpose of this Act whether mentioned in detail in this caption or not; declaring the rule of construction in event any part or provision of this Act should be held unconstitu-

tional or invalid for any reason; providing for the holding of any term of court in session at the time this Act takes effect; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 85 was put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Woodward.
McFarlane.	

Absent.

Miller.	Wirtz.
Real.	Witt.
Reid.	Wood.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	McFarlane.
Berkeley.	Moore.
Bledsoe.	Neal.
Bowers.	Parr.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Woodward.

Absent.

Miller.	Wirtz.
Real.	Witt.
Reid.	Wood.
Russek.	

House Bill No. 37.

Senator Price received the unanimous consent to take up out of its order

H. B. No. 37, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Bowie County, Texas, and conform the jurisdiction of the districts courts of such county to such change."

The bill was read second time and passed to engrossment.

Senate Bill No. 88.

Senator Parr received unanimous consent to take up out of its order the following bill:

S. B. No. 88, A bill to be entitled "An Act to create a court to be known as the County Court of Cameron County at Law; to define the jurisdiction of said court and making the jurisdiction concurrent with the jurisdiction of justice court of all cases civil and criminal; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 88 was put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Woodward.
McFarlane.	

Absent.

Miller.	Wirtz.
Real.	Witt.
Reid.	Wood.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Bledsoe.
Berkeley.	Bowers.

Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Price.
Hall.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Moore.	Woodward.
Neal.	

Absent.

Miller.	Wirtz.
Real.	Witt.
Reid.	Wood.

Senate Bill No. 5.

On motion of Senator Wood the Senate refused to concur in the House amendments to S. B. No. 5 and that the Senate request a conference.

Senate Bill No. 51.

Senator Pollard moved to suspend the regular order of business and take up S. B. No. 51.

The motion was lost by the following vote:

Yeas—10.

Berkeley.	Pollard.
Bowers.	Price.
Lewis.	Triplett.
Love.	Westbrook.
McFarlane.	Wood.

Nays—13.

Bailey.	Neal.
Bledsoe.	Parr.
Fairchild.	Russek.
Floyd.	Stuart.
Greer.	Ward.
Hall.	Woodward.
Holbrook.	

Absent.

Hardin.	Reid.
Miller.	Smith.
Moore.	Wirtz.
Real.	Witt.

Indian Committee.

The Chair announced the appointment of the following committee on S. B. No. 26:

Committee of the Senate:
Lewis, Triplett, Fairchild.

Committee of Citizens:
Mrs. Dr. L. R. Cade, Chester; Mrs. Press Rock, Woodville; Mrs. J. A. Glenn, Beaumont.

Senate Bill No. 73.

Senator Triplett received unanimous consent to take up, out of its order, the following bill:

S. B. No. 73, A bill to be entitled "An Act to prohibit the killing of squirrels in Hardin County during the months of February 1st to October 15th, inclusive; providing that during the other months of the year no one shall kill more than ten squirrels in any one day; prescribing a penalty for violation, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Triplett, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 73 was put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	McFarlane.
Berkeley.	Miller.
Bledsoe.	Moore.
Bowers.	Neal.
Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Price.
Hall.	Russek.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.

Absent.

Real.	Witt.
Reid.	Wood.
Smith.	Woodward.
Wirtz.	

The bill was read third time and passed finally, by the following vote:

Yeas—22.

Bailey.	Love.
Berkeley.	McFarlane.
Bledsoe.	Miller.
Bowers.	Neal.
Fairchild.	Parr.
Floyd.	Pollard.
Greer.	Price.
Holbrook.	Russek.
Lewis.	Stuart.

Triplett. Westbrook.
Ward. Woodward.

Absent.

Hall. Smith.
Hardin. Wirtz.
Moore. Witt.
Real. Wood.
Reid.

Conference Committee on Senate Bill No. 5.

The Chair appointed the following Conference Committee on part of the Senate on Senate Bill No. 5, Educational Bill:

Wood, Wirtz, Bledsoe, Bowers, Miller.

Senate Bill No. 45.

The Chair laid before the Senate on the calendar, the following bill:

S. B. No. 45, A bill to be entitled "An Act repealing Article 650 of the Code of Criminal Procedure of the State of Texas of 1925, which permits defendants jointly prosecuted to sever upon the request of either and amending Article 651 of the Code of Criminal Procedure of the State of Texas of 1925, so as to provide that defendants jointly or separately indicted may upon request ask for a severance and giving to the trial judge the right to order a severance, if in his discretion the ends of justice require a severance, and repealing Article 711 of the Code of Criminal Procedure of the State of Texas of 1925, and declaring an emergency."

The bill was read second time.

The Committee report carrying amendments was read.

The committee report carrying amendments was adopted.

The bill was passed to engrossment, by the following vote:

Yeas—15.

Berkeley. Reid.
Bledsoe. Smith.
Greer. Triplett.
Lewis. Ward.
Love. Westbrook.
McFarlane. Wood.
Neal. Woodward.
Pollard.

Nays—10.

Bailey. Floyd.
Bowers. Hall

Hardin. Parr.
Holbrook. Russek.
Miller. Stuart.

Absent.

Fairchild. Real.
Moore. Wirtz.
Price. Witt.

Senate Bill No. 51.

Senator Pollard moved that S. B. No. 51 be made a special order for tomorrow (Wednesday) after the morning call.

The motion was lost by the following vote:

Yeas—11.

Berkeley. Real.
Bowers. Reid.
Lewis. Triplett.
Love. Westbrook.
McFarlane. Wood.
Pollard.

Nays—14.

Bailey. Holbrook.
Bledsoe. Miller.
Fairchild. Parr.
Floyd. Russek.
Greer. Stuart.
Hall. Ward.
Hardin. Woodward.

Absent.

Moore. Smith.
Neal. Wirtz.
Price. Witt.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,
Austin, Texas, May 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 23, A bill to be entitled "An Act relating to the jurisdiction of the county court of Menard county, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of

said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

S. B. No. 24. A bill to be entitled "An Act relating to the jurisdiction of the county court of Sterling County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

S. B. No. 25. A bill to be entitled "An Act relating to the jurisdiction of the county court of Irion County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court, conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

H. B. No. 88. A bill to be entitled "An Act authorizing counties to pay taxes on school lands owned by such counties, pursuant to Section 6a of Article VII of the State Constitution recently adopted by the people; prescribing the funds out of which any such taxes may be paid; and declaring an emergency."

S. B. No. 26. A bill to be entitled "An Act to change and prescribe the time for holding district court of the Fifty-first Judicial District of the State; and to conform all writs and process from such court to such changes and to make all writs and process issued or served before the Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand juries and petit juries; and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Report of the Free Conference Committee on Senate Bill No. 2, by a viva voce vote.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference on S. B. No. 7, and the following committee is appointed on the part of the House:

Wallace of Freestone, Barnett, Smith of Nueces, Barron, Young.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Senate Bill No. 34.

The Chair laid before the Senate, on the calendar, the following bill:

S. B. No. 34. A bill to be entitled "An Act amending Article 5160 of the Revised Civil Statutes of 1925; providing more adequate and better regulations and provisions in connection with bonds where a person or persons, firm or corporation, enter into a formal contract with this state or its counties or school districts or for any subdivisions thereof or any municipality therein for the construction of any public building or the prosecution and completing of any public work; etc., and declaring an emergency."

The bill was read second time and passed to engrossment, by the following vote:

Yeas—17.

Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
McFarlane.	Ward.
Parr.	Wood.

Nays—6.

Fairchild.	Miller.
Lewis.	Westbrook.
Love.	Reid.

Absent.

Bailey.	Price.
Greer.	Wirtz.
Holbrook.	Witt.
Moore.	Woodward.
Neal.	

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 34 was put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Strong.
Lewis.	Triplett.
Love.	Ward.
Miller.	Westbrook.
Moore.	Wood.

Absent.

Greer.	Wirtz.
Holbrook.	Witt.
McFarlane.	Woodward.
Neal.	

The bill was read third time and passed finally, by the following vote:

Yeas—16.

Berkeley.	Pollard.
Bledsoe.	Real.
Bowers.	Russek.
Floyd.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Moore.	Ward.
Parr.	Wood.

Nays—10.

Bailey.	McFarlane.
Fairchild.	Miller.
Holbrook.	Price.
Lewis.	Reid.
Love.	Westbrook.

Absent.

Greer.	Witt.
Neal.	Woodward.
Wirtz.	

Senate Bill No. 74.

On the motion of Senator Price, Senate Bill No. 94 was recommitted to the Committee on Civil Jurisprudence.

House Bill Referred.

After its caption was read the Chair referred the following bill:

H. B. No. 88, referred to Committee on State Affairs.

Senate Bill No. 62.

Senator Wood received unanimous consent to take up out of its order the following bill:

S. B. No. 62, A bill to be entitled "An Act amending Section 2, of Chapter 142 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to authorize the money therein appropriated to be used for the payment of debts of the Prison System already created in addition to the purposes for which said appropriation was made by the Act of the Fortieth Legislature herein amended; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 62 was put on its third reading and final passage by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Wirtz.	Witt.
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The bill was read third time and passed finally by the following vote:

Yeas—25.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Holbrook.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wood.
Moore.	

Absent.

Bailey.	Wirtz.
Hardin.	Witt.
Stuart.	Woodward.

Senate Bill No. 101.

Senator Hall received unanimous consent to take up out of its order the following bill:

S. B. No. 101. A bill to be entitled "An Act to amend Articles 8229, 8236, and 8238 in Chapter 9, Title 128, 1925 Revised Statutes of the State of Texas, so as to authorize navigation districts containing municipalities of one hundred thousand population or more to issue its obligations to the extent of not exceeding \$250,000.00, and maturing within and not exceeding a period of ten years from date thereof, for the purpose either of acquiring necessary or proper lands, right of ways or dumping grounds, extension or improvement of belt railway lines, or construction or improvements of wharves, docks or other facilities or aids to navigation, and to secure such obligations by liens upon the property so acquired, constructed or improved, and pledge available revenue as additional security; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 101 was put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Floyd.
Bledsoe.	Greer.
Bowers.	Hall.
Fairchild.	Holbrook.

Lewis.	Reid.
Love.	Russek.
McFarlane.	Smith.
Miller.	Triplett.
Neal.	Ward.
Parr.	Westbrook.
Pollard.	Wood.
Price.	Woodward.
Real.	

Absent.

Bailey.	Stuart.
Hardin.	Wirtz.
Moore.	Witt.

The bill was read second time.

The Senate rule requiring committee reports to lay over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Hall, the constitutional rule was suspended and S. B. No. 101 was put on its third reading and final passage by the following vote:

Yeas—28.

Berkeley.	Neal.
Bailey.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Holbrook.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wood.
Moore.	Woodward.

Absent.

Hardin.	Witt.
Wirtz.	

The bill was read third time and passed finally, by the following vote:

Yeas—26.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Reid.
Hall.	Russek.
Holbrook.	Smith.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Westbrook.
Miller.	Wood.

Absent.

Hardin. Witt.
Stuart. Woodward.
Wirtz.

Senate Bill No. 33.

The Chair laid before the Senate on the calendar, the following bill:

S. B. No. 33, A bill to be entitled "An Act making better provision for the improvement of lateral roads in this State; making an appropriation for each of the two years ending August 31, 1928, and August 31, 1929, out of the State Highway Fund in the State Treasury for the benefit of lateral roads; defining lateral roads; defining lateral roads as being roads connecting with an intersecting State designated highway— etc., and declaring an emergency."

The bill was read.

Senator Neal sent up the following amendment:

By Senators Neal, Ward:

Amend S. B. No. 33 by striking out the amount \$2,500,000 where it occurs and inserting instead \$1,000,000 for the first year; also amend by striking out \$5,000,000 where it occurs and inserting \$2,000,000 instead, for the second year.

The amendment was read and adopted.

Motion to Recess.

The Senate refused to recess until 2:00 p. m., by the following vote:

Yeas—12.

Berkeley. Moore.
Bledsoe. Price.
Greer. Reid.
Hall. Triplett.
Holbrook. Wood.
Lewis. Woodward.

Nays—15.

Bowers. Parr.
Fairchild. Pollard.
Floyd. Russek.
Hardin. Smith.
Love. Stuart.
McFarlane. Ward.
Miller. Westbrook.
Neal.

Absent.

Bailey. Wirtz.
Real. Witt.

Senate Bill No. 33.

On the motion of Senator Fairchild, the previous question was ordered on S. B. No. 33 by the following vote:

Yeas—15.

Bowers. Parr.
Fairchild. Pollard.
Floyd. Russek.
Lewis. Smith.
Love. Triplett.
McFarlane. Ward.
Miller. Westbrook.
Neal.

Nays—11.

Berkeley. Price.
Bledsoe. Reid.
Greer. Stuart.
Hall. Wirtz.
Holbrook. Wood.
Moore. Woodward.

Absent.

Bailey. Real.
Hardin. Witt.

Motion to Recess.

The Senate refused to recess until 2:00 o'clock p. m., by the following vote:

Yeas—11.

Berkeley. Reid.
Bledsoe. Stuart.
Greer. Triplett.
Holbrook. Wood.
Moore. Woodward.
Price.

Nays—16.

Bowers. Neal.
Fairchild. Parr.
Floyd. Pollard.
Hardin. Russek.
Lewis. Smith.
Love. Ward.
McFarlane. Westbrook.
Miller. Wirtz.

Absent.

Bailey. Real.
Hall. Witt.

Senate Bill No. 33.

The bill was ordered engrossed by the following vote:

Yeas—18.

Bledsoe. Fairchild.
Bowers. Floyd.

Hardin.	Neal.
Holbrook.	Parr.
Lewis.	Pollard.
Love.	Russek.
McFarlane.	Smith.
Miller.	Ward.
Moore.	Westbrook.

Nays—8.

Berkeley.	Stuart.
Greer.	Triplett.
Price.	Wood.
Reid.	Woodward.

Present—Not Voting.

Wirtz.

Absent.

Bailey.	Real.
Hall.	Witt.

Recess.

The Senate at 12:15 p. m., on the motion of Senator Miller, recessed until this afternoon at 2:00 o'clock.

After Recess.

The Senate was called to order by Lieutenant Governor Barry Miller at 2:00 p. m., pursuant to recess.

Simple Resolution No. 27.

Senator McFarlane sent up the following resolution:

Whereas, Last week the meeting of the High School Bands of the Nation was held at Council Bluff, Iowa; and,

Whereas, The band of the High School of Austin, Texas, participated therein, and was recognized for first place as a parade band on account of their military bearing, and was accorded second place on account of their playing; and,

Whereas, Said recognition of the said band of the Austin High School has brought notice, publicity and honor to the State of Texas, and recognition to the said Austin High School, as well as to the City of Austin, the Capitol City of the State; and,

Whereas, Clel T. Silvey was and is the Director of said Band, and his untiring efforts have brought the Band of the Austin High School to its present efficiency; and,

Whereas, Said Band is now playing in the City of Chicago, and will play in St. Louis on their return, as a result of said recognition; and,

Now, Therefore, Be it Resolved by the Senate of Texas that the said Clel T. Silvey, as Director, and the Band of the Austin High School be given a vote of thanks for the recognition won by themselves, and the publicity and recognition secured by them for the State, in appreciation of their efforts; and that at some time convenient to them they be invited to play for the Senate, and at such time as they desire to play for the Senate that the Senate take advantage of such occasion and give them a rising vote of thanks for what they have done for themselves, their school and their State, as they have shown by their harmonious efforts in music what can be accomplished by the combined efforts of a united people for the State.

WOOD.

The resolution was read and adopted.

Senate Bill No. 17.

The Chair laid before the Senate as special order the following bill:

S. B. No. 17, A bill to be entitled "An Act amending Articles 6663 to 6674 both inclusive, of the Revised Civil Statutes of 1925 relating to highways and the Highway Department of the State of Texas, etc., and declaring an emergency."

The question was the substitute amendment by Senator Love to the amendment by Senator McFarlane.

Message From the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following executive message:

Hall of the House of Representatives,
Austin, Texas, May 31, 1927.
To the Honorable Fortieth Legislature of Texas.

Gentlemen: At the request of certain of your members, the question of the passage of the attached bills is submitted for your consideration.

It is my information that the State of Texas holds a claim against the United States for reimbursement for certain moneys paid to citizens of this State in connection with the campaign against the pink boll worm. The amount of this claim is said to be approximately one hun-

dred and twenty-five thousand dollars. It is suggested that the Legislature should empower some competent authority to take steps toward the collection of this claim.

I submit for your consideration the subject of passing a penal statute to adequately define and fix an appropriate penalty for the offense of exhibiting slot machines and like character of gambling devices,

Respectfully submitted,

DAN MOODY,
Governor of Texas.

— B. No. —, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District Number 6, of Cameron County, Texas, defining its boundaries, and which district embraces the same territory included within Cameron Water Improvement District Number 6; etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District, Number Seven, of Cameron County, Texas, defining its boundaries, and which district embraces the same territory included within Cameron County Water Improvement District Number 7, etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act creating Cameron County Water Control and Improvement District Number Five, of Cameron County, Texas, defining its boundaries, and which district embraces the same territory included within Cameron County Water Improvement District Number 5, etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act to amend Articles 6162, 6163, 6164 and 6165, of Title 107, Revised Texas Civil Statutes of 1925, defining and regulating loan brokers; providing punishment for the violation of this law; requiring loan brokers to file affidavits in the County Clerk's office, giving name of owners and agents of said business, etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act creating and establishing the Harris County Houston Ship Channel Navigation District of Harris County, Texas, under Article 3, Section 52, of the Constitution of the State of Texas, for the purpose of the development of deep water

navigation, the improvement of rivers, bays, creeks, streams or canals within or adjacent to such District, with the power and authority to acquire, purchase, take over, construct, maintain, operate, develop and regulate wharves, docks, warehouses, grain elevators, bunkering facilities, etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act authorizing the creation of Junior College Districts for the purpose of establishing, maintaining, operating and supporting junior colleges; providing the conditions upon which and the method by which such districts may be created, etc., and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act amending Article 545, Revised Civil Statutes of 1925."

— B. No. —, A bill to be entitled "An Act repealing Article 2538, Revised Civil Statutes of 1925, providing for the investment of State funds in Government bonds; repealing Articles 2539, 2540, 2541, 2542, 2543, creating and providing for the functions of a rate making board, etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act to authorize incorporated cities, towns, and villages incorporated under either general or special law, etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act providing that liens for street improvements created by written contract of the owner or owners of land, or by interest therein, shall be superior liens upon such improvement and providing for the enforcement thereof, and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act to ratify and adopt in principle the Canadian River Compact between the States of New Mexico, Texas, and Oklahoma, etc., and declaring an emergency."

S. B. No. —, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas by providing for a minimum salary to be paid county auditors in counties with a population not less than 35,000, nor more than 37,500, inhabitants; and declaring an emergency."

Point of Order on Operating Senate Under Closed Doors.

Senator Bledsoe made the point of order that the doors should be opened inasmuch as a quorum was present and that a call of the Senate could not be had to maintain a quorum.

The Chair overruled the point of order.

Senator Hall moved that the doors be opened.

The motion carried.

Senate Bill No. 69.

Senator Bowers received unanimous consent to take up the following bill:

S. B. No. 69, A bill to be entitled "An Act to amend Chapter 16, Article 2867 of the Revised Civil Statutes of the State of Texas, 1925, fixing the maximum portion of the ad valorem school tax to be used for the purchase and distribution of free text books, and declaring an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 69, by striking out the words "three cents" wherever they appear in the bill and insert in lieu thereof, the words "six cents or as much thereof as may be necessary".

The amendment was read.

Senator Bowers sent up the following substitute amendment for the amendment by Senator McFarlane:

Substitute for the amendment, striking out the words and figures "six (6) cents", and insert the words and figures "four (4) cents".

The amendment was read.

On a point of order the Chair ruled that Senate Bill No. 17 was a special order and displaced pending business.

Message From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,
Austin, Texas, May 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 66, A bill to be entitled "An Act to relieve various schools of the State by validating certain school districts and to validate bonds issued and taxes levied by such districts for school purposes, and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act declaring unlawful the sale or offer for sale, transportation, preparation, receiving or delivery for transportation or marketing of citrus fruit that is, immature, unripe, overripe, frost damaged or otherwise unfit for consumption, and the sale thereof declared to be a fraud upon the public; defining terms; providing for the inspection of citrus fruits and issuance of certificates of inspection thereof; providing for the purchase and affixing of stamps in connection with the marketing or transportation of such citrus fruits; providing for the appointment of persons to inspect the same and fixing their compensation; defining certain offenses; prescribing the power and duties of the Commissioner of Agriculture with regard to the provisions of this Act; providing for the enforcement thereof and prescribing penalties for violation of any of the provisions of this Act, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate Amendments to H. B. No. 2, and request the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House:

Teer, Gilbert, Petsch, Holland, Satterwhite.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

House Bills Referred.

After their captions were read the Chair had read and referred the followings bills:

H. B. No. 63, referred to Committee on Criminal Jurisprudence.

H. B. No. 66, referred to Committee on Education.

House Bill No. 2.

On motion of Senator Wood the Senate granted the request of the House for a Free Conference Committee on H. B. No. 2.

Conference Committee on House Bill No. 2.

The Chair announced the following Free Conference Committee on part of Senate on H. B. No. 2:

Wood, Woodward, Hall, Russek, Fairchild.

Senate Bill No. 17.

The Chair laid before the Senate as special order S. B. No. 17.

Senator Pollard moved the previous question upon the amendments and the bill.

The motion was lost by the following vote:

Yeas—10.

Bledsoe.	Real.
Lewis.	Triplett.
Love.	Westbrook.
Pollard.	Wood.
Price.	Woodward.

Nays—18.

Bailey.	Moore.
Berkeley.	Neal.
Bowers.	Parr.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hardin.	Stuart.
Holbrook.	Ward.
Miller.	Witt.

Absent.

Hall.	Wirtz.
McFarlane.	

The substitute amendment by Senator Love to the amendment by Senator McFarlane was lost by the following vote:

Yeas—11.

Berkeley.	Reid.
Lewis.	Triplett.
Love.	Ward.
Neal.	Wood.
Pollard.	Woodward.
Price.	

Nays—13.

Bailey.	Miller.
Bowers.	Moore.
Fairchild.	Parr.
Floyd.	Real.
Greer.	Russek.
Hardin.	Smith.
Holbrook.	Stuart.
McFarlane.	

Absent.

Hall.

(Pairs Recorded.)

Senator Bledsoe (present), who would vote yea, with Senator Witt (absent), who would vote nay.

Senator Westbrook (present), who would vote yea, with Senator Wirtz (absent), who would vote nay.

The amendment by Senator McFarlane was lost by the following vote:

Yeas—8.

Bowers.	McFarlane.
Holbrook.	Price.
Lewis.	Ward.
Love.	Woodward.

Nays—19.

Bailey.	Parr.
Berkeley.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Miller.	Triplett.
Moore.	Wood.
Neal.	

(Pairs Recorded.)

Senator Bledsoe (present), who would vote yea, with Senator Witt (absent), who would vote nay.

Senator Westbrook (present), who would vote yea, with Senator Wirtz (absent), who would vote nay.

Senator Bowers sent up the following amendment:

Amend S. B. No. 17 by striking out Section 2 and inserting in lieu thereof the following:

"Section 2. Article 6664 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

"Article 6664. The Commission shall consist of nine citizens of the State of Texas who shall have resided in Texas for at least five years next before their election and who shall

have reached the age of twenty-five years before their election, and who shall have resided in the district in which they are elected at least one year next before their election. At the general election in 1928 there shall be elected from each State highway district created by this Act a member of the State Highway Commission, and each such member shall qualify and enter upon the duties of his office the first day of January, 1929. Until said first day of January, 1929, the State Highway Commission shall be composed of nine members to be appointed by the Governor with the advice and consent of the Senate, one member from each district of the State of Texas, as hereafter set out. Said nine members when they enter upon the duties of their office shall elect one of their members as chairman, who shall execute a bond payable to the Governor of the State of Texas and his successors in office in the sum of ten thousand dollars, to be approved by the Governor and conditioned upon the faithful performance of his office, to be filed in the office of the Secretary of State. Each such Commissioner shall take the constitutional oath of office. The premium on said bond shall be paid by the State out of the State Highway Fund."

Upon the elected Commissioners entering upon their duties, they shall draw for terms, three for two years, three for four years, and three for six years, and biennially thereafter three shall be elected for a term of six years, from the respective districts created by this Act.

The amendment was read.

Senator Pollard moved to indefinitely postpone the bill and pending amendment.

The motion was adopted by the following vote:

Yeas—14.

Bailey.	Neal.
Berkeley.	Pollard.
Bledsoe.	Price.
Hall.	Reid.
Lewis.	Ward.
Love.	Wood.
McFarlane.	Woodward.

Nays—13.

Bowers.	Floyd.
Fairchild.	Greer.

Hardin.	Real.
Holbrook.	Russek.
Miller.	Stuart.
Moore.	Triplett.
Parr.	

Absent.

Smith.	Witt.
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(Pair Recorded.)

Senator Westbrook (present), who would vote yea, with Senator Wirtz (absent), who would vote nay.

Adjournment.

On motion of Senator Bailey, the Senate at 5:35 p. m. adjourned until tomorrow (Wednesday) at 10:00 a. m.

APPENDIX.

Petitions and Memorials.

Senator Stuart sent up the following communication and moved to publish it in the Journal:

Austin, Texas, May 28, 1927.

Dear Sir: A bill now before the Senate would abolish the present Highway Commission and substitute a nine-man Commission, representing nine separate districts. We believe this would at least entirely disorganize the Highway Department and delay road projects for an indefinite period, if not actually cripple the system for all time.

We are conducting a campaign to defeat this measure if possible and also increase the appropriation in the Highway Department appropriation bill to allow a salary of \$4,200.00 per annum to Division Engineers.

We need money to carry on the work. We know that at heart you want to support the Texas Highway Association, so please remember that right now is the time we need that support. Send your subscription to us, \$2.00 for regular membership without the Highway Bulletin, \$3.00 with a year's subscription to the Highway Bulletin, or \$10.00 for a sustaining contribution. Make your donation for as much as you feel you can give, for we need the money.

Very truly yours,

TEXAS HIGHWAY ASSOCIATION,

By Jas. F. Kieser, Secy-Mgr.

The motion prevailed.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 42 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 44 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 57 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 100 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 101 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 88 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 85 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 82 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 81 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 80 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 79 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 73 carefully examined and compared, and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
62 carefully examined and compared,
and find the same correctly en-
grossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
47 carefully examined and compared,
and find the same correctly en-
grossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
46 carefully examined and compared,
and find the same correctly en-
grossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
45 carefully examined and compared,
and find the same correctly en-
grossed.

MILLER, Vice Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
grossed Bills, have had S. B. No.
34 carefully examined and compared,
and find the same correctly en-
grossed.

MILLER, Vice Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, May 30, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills have had S. B. No. 12
carefully examined and compared,
and find the same correctly enrolled

and have this day at 10:55 o'clock
a. m. presented the same to the
Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills have had S. B. No. 14
carefully examined and compared,
and find the same correctly enrolled
and have this day at 10:55 o'clock
a. m. presented the same to the
Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, May 30, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills have had S. B. No. 19
carefully examined and compared,
and find the same correctly enrolled
and have this day at 10:55 o'clock
a. m. presented the same to the
Governor for his approval.

FLOYD, Chairman.

Committee Room,
Austin, Texas, May 27, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on En-
rolled Bills have had S. B. No. 31
carefully examined and compared,
and find the same correctly enrolled
and have this day at 10:55 o'clock
a. m. presented the same to the
Governor for his approval.

FLOYD, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, June 1, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was
referred

S. B. No. 36, A bill to be entitled
"An Act amending Chapter 7 of
Title 42 of the Revised Civil Stat-
utes of Texas and to repeal Articles
2104, 2105, 2106, 2107, 2108, 2109,
2110, 2112 and to amend Article
2119 of the Revised Civil Statutes
of 1925 and to amend Article 2141
of the Revised Civil Statutes of 1925
changing the method in Texas of
selecting juries for services in the
District and County Courts of the

State of Texas and to abolish the system of selecting jurors by jury commissioners and substitute therefor the system of the wheel in selecting jurors for service in the District and County Courts of Texas, and to change the manner of selecting talesmen to complete juries in District and county courts and creating a more efficient system of jury service in the District and County Courts in the State of Texas, and to provide for the selection of grand jurors and to repeal all laws in conflict with this Act."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following Committee Amendment:

Amend S. B. No. 36 by changing Sections 16 and 17 to read 17 and 18, and by making Section 16 read as follows:

"Sec. 16. The provisions of this Act shall not apply to any county in this state having no incorporated city or town within its limits."

BAILEY, Chairman.

Committee Room,

Austin, Texas, June 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 74, A bill to be entitled "An Act to amend Article 1728 of the Revised Civil Statutes of Texas as amended by Senate Bill Number 7 at the Regular Session of the Fortieth Legislature."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 86, A bill to be entitled "An Act to amend Article 2249 of the Revised Civil Statutes of Texas as amended February 21, 1927, so as to make clear the scope and purpose of the amendment."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, June 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 67, A bill to be entitled "An Act providing that liens for street improvement created by written contract of the owner or owners of land, or by interest therein, shall be superior liens upon such improvements and providing for the enforcement thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, June 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 84, A bill to be entitled "An Act providing that no property or any interest therein shall be subjected to any further inheritance tax as provided in Chapter 5 of Title 122 of the Revised Civil Statutes of 1925 within five years after such property has become subjected to such tax; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

By Witt.

S. B. No. 84.

A BILL

To Be Entitled

An Act providing that no property or any interest therein shall be subjected to any further inheritance tax as provided in Chapter 5 of Title 122 of the Revised Civil Statutes of 1925 within five years after such property has become subjected to such tax; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No property or any interest therein shall be subjected to any further inheritance tax as provided in Chapter 5 of Title 122 of the Revised Civil Statutes of 1925, within five years after such property has become subjected to such tax.

Sec. 2. The fact that is is unjust and unduly burdensome on estates to subject the property thereof to another inheritance tax within five years after the same has been once subjected to such tax in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 93, A bill to be entitled "An Act requiring the teaching of American Ideals and Intelligent Patriotism in the State with special reference to obedience to law and to the enforcement of the law; and authorizing the State Text Book Commission to adopt a suitable textbook for giving such instruction and providing for the purchase of flags; and carrying an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

LOVE, Chairman.

By Love.

S. B. No. 93.

A BILL

To Be Entitled

An Act requiring the teaching of American Ideals and Intelligent Patriotism in the public schools of Texas with special reference to obedience to law and to law enforcement, authorizing the State Textbook Commission to adopt a suitable textbook for giving such

instruction; and requiring the purchase by local school boards of suitable United States flags; and carrying the emergency clause.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the daily program of every school in this State shall be so formulated by the teacher, principal or superintendent as to include at least ten minutes for the teaching of lessons in American Ideals and Intelligent Patriotism, including the duties of the citizen to the State and of the obligation of the State to the citizen, with special reference to obedience to the law and to the enforcement of the law.

It shall be the duty of the State Textbook Commission to adopt, and it is hereby authorized to adopt, a suitable textbook for use in giving such instructions in the high schools of this State.

Sec. 2. That the board of trustees of each and every common, independent, or municipal school district in this State be and is hereby required to provide a suitable United States flag and flag pole for each school building in the district, and the expense incurred in carrying out this provision of the law shall be paid out of the local funds of the respective district.

Sec. 3. The importance of this law which was omitted from the report of the Codifying Commission of 1925, and the nearness of the close of this Session of the Legislature demands that the constitutional rule requiring that bills be read on three separate days be suspended and that this bill be put upon its final passage and shall go into effect immediately upon and after its passage.

Committee Room,

Austin, Texas, June 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 96, A bill to be entitled "An Act to amend Chapter 79 of the General Laws of the Regular Session of the Fortieth Legislature entitled 'An Act to amend Article 1816, Chapter 1, Title 39, Revised Civil Statutes of 1925,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

By Bailey.

S. B. No. 96.

A BILL

To Be Entitled

An Act to amend Chapter 79 of the General Laws of the Regular Session of the Fortieth Legislature entitled "An Act to amend Article 1816, Chapter 1, Title 39, Revised Civil Statutes of 1925," and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1816, Chapter 1, Title 39, Revised Civil Statutes of 1925 be amended so that same shall hereafter read as follows, to-wit:

Article 1816. Terms of Court.—

The terms of each Court of Civil Appeals of the State of Texas shall begin on the first Monday in October of each year and shall continue in session until the first Monday in October the next succeeding year; provided that the Justices of each of said courts shall be permitted to take a vacation of eight weeks during each year at such time as the court may fix, during which period the court shall not be adjourned but shall be in recess and may be called together by the Chief Justice or by the two Associate Justices in case business requiring immediate disposal should arise.

Sec. 2. The fact that Chapter 79 of the General Laws of the Regular Session of the Fortieth Legislature is ambiguous and open to the construction that the vacations of the several Justices of the Courts of Civil Appeals should be taken at separate times and not simultaneously as was intended by said Chapter, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills shall be read on three several days in each House be suspended and the same is hereby suspended and that this Act take effect and be in effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 97, A bill to be entitled "An Act to amend Chapter 76 of the General Laws of the Regular Session of the 40th Legislature entitled 'An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes of 1925,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

BAILEY, Chairman.

By Bailey.

S. B. No. 97.

A BILL

To Be Entitled

An Act to amend Chapter 76 of the General Laws of the Regular Session of the Fortieth Legislature entitled 'An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes of 1925,' and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1738, Chapter 3, Title 37, Revised Civil Statutes of 1925, be amended so as to hereafter read as follows, to-wit:

Article 1738. Transfer of cases.—The Supreme Court shall on the fifteenth day of June and the fifteenth day of December of each year equalize, as nearly as practicable, the amount of business upon the dockets of the several courts of civil appeals by directing the transfer of cases from such of said courts as may have the greater amount of business upon their dockets to those having a less amount of business: And the courts of civil appeals to which such cases shall be transferred shall have jurisdiction over all such cases so transferred, without regard to the district in which the cases were originally tried and returnable upon appeal. Cases transferred from any court of civil appeals shall be taken from the cases appealed from the counties nearest the place where the court to which the cases are transferred is held. Provided that the Justices of the court to which such cases are transferred shall, after due notice to the parties or their counsel, hear oral argument on such cases at the place

from which the cases have been transferred. Provided further that there shall be but one sitting for oral argument at the place from which cases are transferred for each equalization, and all cases so transferred at any one equalization must be orally argued at such sitting, or at the regular place of sitting of the court to which said cases are transferred. All opinions, orders and decisions in such transferred cases shall be delivered, entered and rendered at the place where the court to which such cases are transferred regularly sits, as the law provides. The actual and necessary traveling and living expenses of the Justices of said courts in hearing oral argument at the place from which such cases are transferred shall be borne by the State, and for payment thereof the Legislature shall make appropriation.

Sec. 2. The fact that Chapter 76 of the General Laws of the Regular Session of the Fortieth Legislature provided for only one sitting during the term at the place from which cases are transferred, whereas it provides for two equalizations per annum, and the fact that said chapter in other respects requires amendment, and as so amended should be put in to immediate operation creates an emergency and an imperative public necessity requiring that the constitutional rule requiring that bills shall be read on three several days in each House be suspended and the same is hereby suspended and that this Act take effect and be in effect from and after its passage; and it is so enacted.

Committee Room.

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Land and Land Office, to whom was referred

H. B. No. 62, A bill to be entitled "An Act to ratify and confirm the title of J. H. Cole and all other persons holding a claim of title from W. H. Walters in and to a tract of land in Nacogdoches County known as the W. H. Walters Labor of land and containing 177 acres of land, and to disavow and relinquish the right, claim and title of the State of Texas in and to said land."

Have had the same under con-

sideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

REAL, Chairman.

Committee Room,

Austin, Texas, June 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 89, A bill to be entitled "An Act to amend Article 3716 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto a provision as follows: 'Provided, however, that in actions begun during the lifetime of the decedent in which executors, administrators, guardians or the heirs or legal representatives of the decedent, have been substituted as parties plaintiff or defendant and in which such actions either the original plaintiff or defendant has testified in open court or by deposition and has been subjected to cross examination by the other party, the testimony so given in open court or by deposition by either party may be admitted in evidence upon any trial of the same issues between the surviving party and the executors, administrators, guardians, heirs or legal representatives of the deceased party; and provided further that any such party participating in or present at any such transaction or in whose presence any statement by or to the deceased or ward was made, shall not be disqualified as a witness by this Article, if any party adverse to him was present at or participated in the transaction and is living and competent to testify and available as a witness at the time of the trial or whose testimony has been lawfully preserved,' and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

FAIRCHILD, Vice-Chairman.

By Woodward.

S. B. No. 89.

A BILL

To Be Entitled

An Act to amend Article 3716 of the Revised Civil Statutes of the State of Texas of 1925 by adding there-

to a provision as follows: "Provided, however, that in actions begun during the lifetime of the decedent in which executors, administrators, guardians or the heirs or legal representatives of the decedent, have been substituted as parties plaintiff or defendant and in which such actions either the original plaintiff or defendant has testified in open court or by deposition and has been subjected to cross examination by the other party, the testimony so given in open court or by deposition by either party may be admitted in evidence upon any trial of the same issues between the surviving party and the executors, administrators, guardians, heirs or legal representatives of the deceased party; and provided further that any such party participating in or present at any such transaction or in whose presence any statement by or to the deceased or ward was made, shall not be disqualified as a witness by this Article, if any party adverse to him was present at or participated in the transaction and is living and competent to testify and available as a witness at the time of the trial or whose testimony has been lawfully preserved," and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3716 of the Revised Civil Statutes of Texas of 1925 be so amended as to hereafter read as follows, to-wit:

Article 3716. In actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them as such, no party shall be allowed to testify against the others as to any transaction with, or statement by the testator, intestate or ward, unless called to testify thereto by the opposite party; and the provisions of this Article shall extend to and include all actions by or against the heirs or legal representatives of a decedent arising out of any transaction with such decedent. Provided, however, that in actions begun during the lifetime of the decedent in which executors, administrators, guardians or the heirs or legal representatives of the decedent, have been substituted as parties plaintiff

or defendant and in which such actions either the original plaintiff or defendant has testified in open court or by deposition and has been subjected to cross examination by the other party, the testimony so given in open court or by deposition may be by either party introduced in evidence upon any trial of the same issues between the surviving party and the executors, administrators, guardians, heirs or legal representatives of the deceased party; And provided further that any such party participating in or present at any such transaction or in whose presence any statement by or to the deceased or ward was made, shall not be disqualified as a witness by this article, if any party adverse to him was present at or participated in the transaction and is living and competent to testify and available as a witness at the time of the trial or whose testimony has been lawfully preserved.

Sec. 2. The fact that under existing law no provision is made whereby the testimony of the parties to a suit once given may be reproduced in a subsequent trial between the survivor and the legal representatives of the deceased party or parties, notwithstanding such survivor or deceased party has been subjected to cross examination, and no provision is made for testimony in cases governed by the present article under circumstances where the opposite interest was present or represented, thereby working a hardship and in effect same is a suppression of testimony, creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, June 1, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 94, A bill to be entitled "An Act amending Article 7257 of the Revised Civil Statutes of 1925 so as to provide a better means of knowing whether all prior taxes have been paid on property described in a

tax receipt issued by the county tax collector; providing the order in which the tax collector or his deputy of any county, city or political subdivision or tax assessing district shall collect taxes; prohibiting the said collector receiving property taxes for any year if taxes on the property remain unpaid for any prior year or years; making tax receipts issued by any such collector conclusive evidence of full payment of taxes on property described therein for all prior years as well as the year for which said receipt is issued; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

FAIRCHILD, Vice-Chairman.

By Love.

S. B. No. 94.

A BILL

To Be Entitled

An Act amending Article 7257 of the Revised Civil Statutes of 1925 so as to provide a better means of knowing whether all prior taxes have been paid on property described in a tax receipt issued by the county tax collector; providing the order in which the tax collector or his deputy of any county, city or political subdivision or tax assessing district shall collect taxes; prohibiting the said collector receiving property taxes for any year if taxes on the property remain unpaid for any prior year or years; making tax receipts issued by any such collector conclusive evidence of full payment of taxes on property described therein for all prior years as well as the year for which said receipt is issued; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 7257 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

"Art. 7257. The tax collector, or his deputy, whenever any tax is paid, shall give to the person paying the same a receipt therefor, specifying the amount of State, county and or district taxes, and the year or years for which such tax was assessed, and describing the property therein as same has been described in the assessment thereof, and the

total value of all property assessed. Said receipt shall have a duplicate to be retained by the collector. The collector shall provide himself with a seal on which shall be inscribed a star with five points, surrounded by the words 'Collector of Taxes, _____ County' (the blank to be filled in with the name of the County), and shall impress said seal on each receipt and duplicate given by him for taxes collected on any property.

"The tax collector, or his deputy, of any county, city or political subdivision or tax assessing district, shall collect taxes in the chronological order in which said taxes have been levied and assessed, and said collector is hereby prohibited from receiving payment of taxes on any property (real, personal or mixed) for any year if taxes remain unpaid on said property for any prior year or years. When any receipt for taxes shall be issued by any collector, or his deputies, of any county, city or political subdivision or tax assessing district, said receipt shall be conclusive evidence of the full payment of all taxes on the property described in said receipt for all years prior to and including the year or years for which said receipt shows taxes to have been paid."

Sec. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 3. The fact that it is a custom of tax collectors to receive payment of taxes and issue receipts for taxes upon property for any year without requiring payment of taxes assessed against said property for prior years, and that owners of property have no way of definitely ascertaining that all taxes have heretofore been paid, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 101, A bill to be entitled

"An Act to amend Articles 8229, 8236, and 8238 in Chapter 9, Title 128, 1925 Revised Statutes of the State of Texas, so as to authorize navigation districts containing municipalities of one hundred thousand and population or more to issue its obligations to the extent of not exceeding two hundred and fifty thousand dollars, etc."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the attached committee amendment and that the same be not printed.

WIRTZ, Chairman.

Amend S. B. No. 101 by inserting at the end of Section 1 the following words:

"If any part or provision of this Act should be held to be unconstitutional or invalid for any reason it shall not affect the remainder of the Act but such remainder shall be in full force and effect."

Committee Room.

Austin, Texas, May 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 88, A bill to be entitled "An Act authorizing counties to pay taxes on school lands owned by such counties, pursuant to Section 6a of Article VII of the State Constitution recently adopted by the people; prescribing the funds out of which any such taxes may be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed for the reason that Senate Bill No. 83, which is the same bill, has been printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, May 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 102, A bill to be entitled "An Act to amend Article 1645 of the Revised Civil Statutes of Texas by providing for a minimum salary to be paid County Auditors in counties with a population not less than

35,000, nor more than 37,500, inhabitants."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, May 28, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Town and City Corporations, to whom was referred

S. B. No. 68, A bill to be entitled "An Act to authorize incorporated cities, towns, and villages incorporated under either general or special law, including those under a special charter or amendment of charter adopted pursuant to the Home Rule provisions of the constitution to cause to be improved, streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof, and to assess part of the cost thereof against abutting property and owners thereof and railroads, street railroads or interurbans and owners thereof occupying, using or crossing streets, avenues, alleys, highways, boulevards, drives, public places or squares improved, and to provide for the enforcement and collection of such assessments, and providing the powers, terms, and provisions of this act shall not repeal any charter provision or law, general or special, but shall exist as alternative powers, terms and provisions, and providing that under the Home Rule provisions of the Constitution may provide therein any of the powers, terms, or provisions thereof as part of, in lieu of, or as alternative to any charter provision, and providing the necessary matters and things incidental to and necessary for the carrying out of the purpose of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal, but not otherwise.

HOLBROOK, Chairman.

By Love.

S. B. No. 68.

A BILL

To Be Entitled

An Act to authorize incorporated cities, towns, and villages incor-

porated under either general or special law, including those operating under a special charter or amendments of charter adopted pursuant to the Home Rule provisions of the Constitution to cause to be improved streets, avenues, alleys, highways, boulevards, drives, public places, squares, or any portion or portions thereof, and to assess part of the cost thereof against abutting property and owners thereof, and against railroads, street railroads or interurbans and owners thereof occupying, using or crossing streets, avenues, alleys, highways, boulevards, drives, public places or squares improved, and to provide for the enforcement and collection of such assessments, and providing the powers, terms and provisions of this Act shall not repeal any charter provision or law, general or special, but shall exist as alternative powers, terms and provisions, and providing that under the Home Rule provisions of the Constitution may provide therein for any of the powers, terms or provisions thereof, as part of, in lieu of, or as alternative to any charter provision, and providing the necessary matters and things incidental to and necessary for the carrying out of the purposes of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That cities, towns and villages incorporated under either general or special law, including those operating under special charter, or amendments of charter adopted pursuant to the Home Rule provisions of the Constitution, shall have power to cause to be improved, any highway, within their limits by filling, grading, raising, paving, repaving, and repairing in a permanent manner, and by constructing, reconstructing, repairing and realigning curbs, gutters and sidewalks, and by widening, narrowing and straightening, and by constructing appurtenances and incidentals to any of such improvements, including drains and culverts, which power shall include that of causing to be made any one or more of the kinds or classes of improvements herein named or any combination thereof, or of parts thereof.

Sec. 2. That the term "city" whenever used herein shall include all incorporated cities and villages; that the term "governing body" whenever used herein, includes the governing or legislative bodies of all incorporated town, cities and villages, whether known as councils, commissions, boards of commissioners, common councils, boards of aldermen, city councils, or by whatever name such bodies may be known or designated under general or special laws or charters. That whenever the term "highway" is used herein it shall include any street, avenue, alley, highway, boulevard, drive, public place, square, or any portion or portions thereof, including any portion that may have or may be left wholly or partly unimproved in connection with other street improvements heretofore or hereafter made. The term "improve" or "improvements" when used herein shall include the kinds and classes of improvements, with incidents and appurtenances thereto, and any portions or combinations thereof, or of parts thereof, hereinabove provided, liberally construed. That whenever the term "cost" or "costs of improvements" or similar terms are used herein, same shall include expenses of engineering and other expenses incident to construction of improvements, in addition to the other costs of the improvements.

Sec. 3. That the governing body of any city shall have power to determine the necessity for, and to order, the improvement of any highway, or parts thereof within such city, and to contract for the construction of such improvements in the name of the city, and to provide for the payment of the cost of such improvements by the city, or partly by the city and partly by assessments as hereinafter provided.

Sec. 4. That the cost of such improvements may be wholly paid by the City, or partly by the city and partly by property abutting upon the highway or portion thereof ordered to be improved, and the owners of such property, but if any part of the cost is to be paid by such abutting property and the owners, then before any such improvements are actually constructed, and before any hearing herein provided for is held, the governing body shall pre-

pare, or cause to be prepared, an estimate of the cost of such improvements, and in no event shall more than all the cost of constructing, reconstructing, repairing and realigning curbs, gutters and sidewalks, and nine-tenths of the remaining cost of such improvements as shown on such estimate be assessed against such abutting property and owners thereof.

Sec. 5. If improvements be ordered constructed in any part of the area between the under tails, tracks, double tracks, turn outs and switches, and two feet on each side thereof, of any railway, street railway, or interurban, using, occupying, or crossing any such highway, portion or portions thereof, ordered improved, then the governing body shall have power to assess the whole cost of the improvements in such area against such railway, street railway, or interurban, and shall have power, by ordinance, to levy a special tax upon such railway, street railway, or interurban, and its roadbed, ties, rails, fixtures, rights and franchises, which tax shall constitute a lien thereon superior to any other lien or claim except State, County, and City ad valorem taxes, and which may be enforced either by sale of said property in the manner provided by law for the connection of ad valorem taxes by the city, or by suit in any scribe the time, terms and conditions of payment thereof, and the rate of interest, not to exceed 8% per annum, and same, if not paid when due, shall be collectible, together with interest, expenses or collection and reasonable attorney's fees, if incurred. The Governing Body shall have power to cause to be issued assignable certificates in evidence of any such assessments as hereinafter provided.

Sec. 6. Subject to the terms hereof, the governing body of any city shall have power by ordinance to assess all the cost of constructing, reconstructing, repairing and realigning curbs, gutters and sidewalks, and not exceeding nine-tenths of the estimated cost of such improvements, exclusive of curbs, gutters and sidewalks, against property abutting upon the highway or portion thereof ordered to be improved, and against the owners of such property, and to provide the time, terms and conditions of payment and defaults of such

assessments, and to prescribe the rate of interest thereon not to exceed eight per cent (8%) per annum. Any assessments against abutting property shall be a first and prior lien thereon from the date the improvements are ordered, and shall be a personal liability and charge against the true owners of such property at said date, whether named or not. The governing body shall have power to cause to be issued in the name of the city assignable certificates in evidence of assessments levied declaring the lien upon the property and the liability of the true owner or owners thereof whether correctly named or not, and to fix the terms and conditions of such certificates.

If any such certificates shall recite substantially that the proceedings with reference to making the improvements therein referred to have been regularly had in compliance with law and that all prerequisites to the fixing of the assessment lien against the property described in said certificate and the personal liability of the owner or owners thereof have been performed, same shall be prima facie evidence of all the matters recited in said certificate, and no further proof thereof shall be required. In any suit upon any assessment or reassessment in evidence of which a certificate may be issued under the terms of this Act it shall be sufficient to allege the substance of the recitals in such certificate and that such recitals are in fact true, and further allegations with reference to the proceedings relating to such assessment or reassessment shall not be necessary.

Such assessments shall be collectible with interest, expense of collection, and reasonable attorney's fee, if incurred, and shall be a first and prior lien on the property assessed, superior to all other liens and claims except State, county and city ad valorem taxes, and shall be a personal liability and charge against the said owners of the property assessed.

Sec. 7. The part of the cost of improvements on each portion of highway ordered improved which may be assessed against abutting property and owners thereof shall be apportioned among the parcels of abutting property and owners thereof, in accordance with the Front Foot Plan or Rule provided that if the

application of this rule would, in the opinion of the governing body, in particular cases, result in injustice or inequality, it shall be the duty of said body to apportion and assess said costs in such proportion as it may deem just and equitable, having in view the special benefits in enhanced value to be received by such parcels of property and owners thereof, the equities of such owners, and the adjustment of such apportionment so as to produce a substantial equality of benefits received and burdens imposed.

Sec. 8. Nothing herein shall empower any city, or its governing body, to fix a lien against any interest in property exempt, at the time the improvements are ordered, from the time of special assessment for street improvements, but the owner or owners of such property shall nevertheless be personally liable for any assessment in connection with such property. The fact that any improvement, though ordered, is omitted in front of property, any interest in which is so exempt, shall not invalidate the lien or liability of assessments made against other property.

The lien created against any property and the personal liability of the owner or owners thereof may be enforced by suit in any court having jurisdiction, or by sale of the property assessed in the same manner as may be provided by law or charter in force in the particular city for sale of property for ad valorem city taxes.

Sec. 9. No assessment herein provided for shall be made against any abutting property or its owners, nor against any railway, street railway or interurban, or owner, until after notice and opportunity for hearing as herein provided, and no assessment shall be made against any abutting property or owners thereof in excess of the special benefits to such property, and its owners in the enhanced value thereof by means of such improvements as determined at such hearing. Such notice shall be by advertisement inserted at least three times in some newspaper published in the city where such special assessment tax is to be imposed, if there be such a paper; if not, then the nearest to such city of general circulation in the county in which such city is located; the first publication to be made at least ten days before the date of the hearing. If

any such notice shall describe in general terms the nature of the improvements for which assessments are proposed to be levied and to which such notice relates, shall state the highway, highways, portion or portions thereof to be improved, shall state the estimated amount or amounts per front foot proposed to be assessed against the owner or owners of abutting property and such property on each highway or portion, with reference to which hearing mentioned in the notice is to be held, and shall state the estimated total cost of the improvements on each such highway, portion or portions thereof, and if the improvements are to be constructed in any part of the area between and under rails and tracks, double tracks, turn-outs, and switches, and two feet on each side thereof of any railway, street railway or interurban, shall also state the amount proposed to be assessed therefor, and shall state the time and place at which such hearing shall be held, then such notice shall be sufficient, valid and binding upon all owning or claiming such abutting property, or any interest therein, and upon all owning or claiming such railway, street railway, or interurban, or any interest therein. Such hearing shall be by and before the governing body of such city and all owning any such abutting property, or any interest therein, and all owning any such railway, street railway, or interurban, or any interest therein, shall have the right, at such hearing, to be heard on any matter as to which hearing is a constitutional prerequisite to the validity of any assessment authorized by this Act, and to contest the amounts of the proposed assessments, the lien and liability thereof, the special benefits to the abutting property and owners thereof by means of the improvements for which assessments are to be levied, the accuracy, sufficiency, regularity and validity of the proceedings and contract in connection with such improvements and proposed assessments, and the governing body shall have power to correct any errors, inaccuracies, irregularities, and to determine the amounts of assessments and all other matters necessary, and by ordinance to close such hearing and levy such assessments before, during or after the construction of such improvements, but

no part of any assessment shall be made to mature prior to acceptance of the city of the improvements for which assessment is levied.

Anyone owning or claiming any property assessed, or any interest therein, or any railway, street railway, or interurban assessed, or any interest therein, who shall desire to contest any such assessment on account of the amount thereof, or any inaccuracy, irregularity, invalidity, or insufficiency of the proceedings or contract with reference thereto, or with reference to such improvements, or on account of any matter or thing not in the discretion of the governing body, shall have the right to appeal therefrom and from such hearing by instituting suit for that purpose in any court having jurisdiction within fifteen (15) days from the time such assessment is levied, and anyone who shall fail to institute such suit within such time shall be held to have waived every matter which might have been taken advantage of at such hearing, and shall be barred and estopped from in any manner contesting or questioning such assessment, the amount, accuracy, validity, regularity and sufficiency thereof, and of the proceedings and contract with reference thereto and with reference to such improvements for or on account of any matter whatsoever, and the only defense to any such assessment in any suit to enforce the same shall be that the notice of hearing was not published or did not contain the substance of one or more of the requisites therefor herein prescribed, or that the assessments exceed the amount of the estimate, and no words or acts of any officer or employee of the city, or member of any governing body of the city, other than the action of the governing body shown in its written proceedings and records shall in any way affect the force and effect of the provisions of this Act.

Sec. 10. The governing body of the city shall have power to provide for changes in plans, methods or contracts for improvement, or other proceedings relating thereto, but any change substantially affecting the nature or quality of any improvements shall only be made when it is

determined by two-thirds vote of the governing body that it is not practical to proceed with the improvement as theretofore provided for, and if any such substantial change be made after any hearing has been ordered or held then unless the improvement be abandoned altogether a new estimate of cost shall be made and a new hearing ordered, and held, and new notices given, all with like effect and in like manner as herein provided for original notices and hearings. Changes in or abandonment of improvements must be with the consent of such person, firm or corporation as may have contracted with the city for the construction thereof, if any such contract has been entered into, and in case of abandonment of any particular improvement an ordinance shall be passed which shall have the effect of cancelling any assessments theretofore levied therefor, and all other proceedings relating thereto.

Sec. 11. Assessment against several parcels of property may be made in one assessment when owned by the same person, firm, corporation or estate, and property owned jointly by one or more persons, firms or corporations, may be assessed jointly.

Sec. 12. Said governing body shall have power to carry out all the terms and provisions of this Act and to exercise all the powers thereof, either by resolution, motion, order or ordinance, except where ordinance is specifically prescribed, and such governing body shall have power to adopt either by resolution or ordinance, any and all rules or regulations appropriated to the exercise of such powers, the method and manner of ordering and holding such hearings, and the giving of notices thereof.

Sec. 13. In case any assessment shall for any reason whatsoever be held or determined to be invalid or unenforcible, then the governing body of such city is empowered to supply any deficiency in proceedings with reference thereto and correct any mistake or irregularity in connection therewith, and at any time to make and levy reassessments after notice and hearing as nearly as possible in the manner herein provided for original assessments, and subject

to the provisions hereof with reference to special benefits. Recitals in certificates issued in evidence of reassessments shall have the same force as provided for recitals in certificates relating to original assessments.

Sec. 14. Anyone owning or claiming any property or interest in any property against which such reassessment is levied shall have the same right of appeal as herein provided in connection with original assessments, and in the event of failure to appeal within fifteen (15) days from the date of such reassessment, the provisions hereinabove made with reference to waiver, bar, estoppel, and defense shall apply to such reassessment.

Sec. 15. This Act shall not repeal any law, general or special or charter provision already in existence, but powers, terms and provisions hereof shall exist as alternative powers, terms and provisions of all other laws and charter provisions in any wise relating to the same subject matter, and any city which shall hereafter adopt or amend its own charter under the terms of the Home Rule provisions of the Constitution may provide in any such charter or amendments thereto for any or all of the powers, terms or provisions herein contained either as alternative to or as part of or in lieu of any other charter provision then in force, and specifically this Act shall not repeal Articles 1086 to 1096, inclusive, and Article 1104 and 1105, of the Revised Civil Statutes of the State of Texas, of 1925, but the law as embraced in said articles shall and does remain in full force and effect.

Sec. 16. Should any section, provision, word, phrase or clause of this Act be held to be invalid, unconstitutional or inoperative, no other part or parts thereof shall be held to be affected thereby.

Sec. 17. The fact that the present laws relating to the making and construction of street improvements and assessments therefor by such cities, and relating to charter provisions and amendments on such subject, are inadequate and indefinite, and the fact that such improvements are urgently needed and many cities and citizens thereof are anxious to

obtain the benefits of this Act, create an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring the reading of bills on three several days in each House, and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 66, A bill to be entitled "An Act to relieve various schools of the State by validating certain school districts and to validate bonds issued and taxes levied by such districts for school purposes, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WITT, Chairman.

By Pool.

H. B. No. 66.

A BILL

To Be Entitled

"An Act to relieve various schools of the State by validating certain school districts and to validate bonds issued and taxes levied by such districts for school purposes, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. All school districts, including all common county-line school districts, heretofore attempted to be created or consolidated by the proper authorities of the county, or by election in cases where an election for such purpose may have been authorized by law, and which have been recognized as valid by the proper school authorities of the respective counties, are hereby validated; provided that in case of such elections it appears that a majority of the votes cast in each district concerned was in favor of such creation or consolidation of such district or districts, or that in the case of common county-line school districts, the same territory has been designated by the proper authorities of each county concerned; such districts are hereby validated in all respects.

Sec. 2. All bond issues and all levies of special school taxes heretofore voted or which may hereafter be voted by any such district, are hereby validated, as though the original creation or consolidation of such district was in all respects regular; provided that the proceedings in the election for such bond issue or special taxes were or shall be in all other respects valid; and provided further that this Act shall not be construed as validating any bond issue attempted to have been voted upon any territory larger than, or in any way different from, that defined by the latest valid order of the county board of trustees, changing or defining the boundaries of the district for which such election was attempted to be held.

Sec. 3. The unsettled condition in many of the school districts of the various counties of the State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

SIXTEENTH DAY.

Senate Chamber,
Austin, Texas,
June 1, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dis-

pensed with on motion of Senator Westbrook.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Simple Resolution No. 28.

Senator Ward sent up the following resolution:

By Senators Ward, Real.

Whereas, The Senate of the 31st and 32nd Legislature had groups of the photographs of the Governor, Lieutenant Governor and each of the Senators placed in blocks, and were placed in the Senate Chamber and,

Whereas, The said groups of photographs have been misplaced and do not appear in the Senate Chamber,

Therefore, be it Resolved, That the Sergeant at Arms be instructed by the Lieutenant Governor to make due diligent search and recovery of the said two groups of photographs, and have same placed in some suitable place in the Senate Chamber.

The resolution was read and adopted.

Simple Resolution No. 29.

Senator Fairchild sent up the following resolution:

By Senator Fairchild:

Whereas, Texas is a prosperous and growing State, and

Whereas, The insurance industry is now and has been growing rapidly in this State, and

Whereas, Every kind of insurance is being carried on by both home and foreign companies in Texas, the companies writing life, health, accident, reciprocal, fire and in fact, so far as I know, every kind of insurance known to the business world, and

Whereas, Fire insurance rates are now regulated by an Insurance Commission, and possibly other kinds of insurance as to rates are regulated by the Insurance Commission of Texas save and except, so far as I know, life insurance, and

Whereas, It seems that the rates of twenty or thirty years ago are now applicable in Texas, and

Whereas, From the various records and reports from the different health departments, etc., show that